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Burger Bars C.I.A. Disclosure

WASHINGTON, Nov. 17 (AP) — Chief Justice Warren E. Burger refused today to allow the Rev. Sun Myung Moon's Unification Church to gain access to sensitive spy data in the files of the Central Intelligence Agency.

Chief Justice Burger extended indefinitely an emergency order he granted Oct. 23 to block the disclosure.

In asking for the stay, Government lawyers said disclosure of the classified documents "could lead to the identification of confidential intelligence sources."

"This is the first case in which a court of appeals actually has ordered the disclosure of sensitive intelligence information that is classified under an executive order of the President in the interest of national security," Justice Department lawyers said of a lower court's disclosure order.

Risking Contempt of Court

The Justice Department had said its only other recourse, if a stay had not been granted, would have been to risk contempt of court by not turning over the material "concerning intelligence sources and methods."

Attorneys for the department warned the Chief Justice that denial of the stay would "irreparably harm the C.I.A. as well as the national security, because the information in question involves Ko-

rean-American relations and sensitive intelligence sources."

The dispute began in 1978, when Mr. Moon's church filed a request under the Freedom of Information Act seeking "all C.I.A. records relating to the church and its members." The intelligence agency disclosed some documents but withheld parts or all of others.

Ruling by Appeals Court

Last Dec. 23 the United States Court of Appeals for the District of Columbia ruled in favor of the Unification Church, requiring further disclosure.

Immediately at issue in the case are six documents that the intelligence agency withheld from disclosure on the ground that their release could harm national security and jeopardize intelligence gathering.

The case also involves 35 documents compiled by one of four committees of Congress, but later turned over to the C.I.A.

On Oct. 23 Chief Justice Burger granted a temporary stay of the appeals court's order so that he could study the matter further. He said today the stay would last at least until the Justice Department filed a formal appeal with the full Supreme Court.